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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,491	04/12/2004	Yaw-Der Hwang	OR0408	4938

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LAW OFFICE OF LIAUH & ASSOC.  
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EXAMINER

GATES, ERIC ANDREW

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/823,491	HWANG, YAW-DER	
	Examiner	Art Unit	
	Eric A. Gates	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

2. The abstract of the disclosure is objected to because of the following informalities:

- a. In line 9, "external" should read "internal".

Appropriate correction is required.

3. The disclosure is objected to because of the following informalities:

- a. In line 18 of page 1, "cavity 4" should read "cavity 2".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kin (JP 03086436 A). Per claim 1, Kin discloses a case 15 with a hollow cylindrical portion including an upper seat 47, a cavity 13 below the seat 47, and a lower channel 13. Kin also discloses a locking device 21 including a plate 37 secured onto the seat 47, the plate including a central hole (not referenced, filled by rivet 39), and a plurality of legs 31 extended downwardly from the edge of the hole, each leg having an inwardly extended latch piece (not referenced). Inserting a projection 19 of a handle of a knife 11 into the cavity 13 and forcing it through a channel surrounded by the latched pieces of the legs 31 will move the latched pieces of the legs 31 inwardly to lock a shoulder between the projection 19 and the handle of the knife 11. Per claim 2, the projection 19 of the knife 11 has a diameter larger than that of the channel surrounded by the latched pieces of the legs 31.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kin in view of Uchida (JP 53016976 A). Kin discloses a case 15 with a hollow

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cylindrical portion including an upper seat 47, a cavity 13 below the seat 47, and a lower channel 13. Kin also discloses a locking device 21 including a plate 37 secured onto the seat 47, the plate including a central hole (not referenced, filled by rivet 39), and a plurality of legs 31 extended downwardly from the edge of the hole. Inserting a projection 19 of a handle of a knife 11 into the cavity 13 and forcing it through a channel surrounded by the latched pieces of the legs 31 will move the latched pieces of the legs 31 inwardly to lock a shoulder between the projection 19 and the handle of the knife 11. Kin does not disclose each leg on the locking device having an outwardly extended latched piece, whereby inserting a hollow protrusion of a handle of a knife into the case and forcing the latched pieces to insert into the protrusion moves the latched pieces outwardly to lock a shoulder between an enlarged portion of a bore of the protrusion and a narrow end portion of the bore thereof. Kin also does not disclose the narrow end portion of the bore of the protrusion to have a diameter smaller than an outer diameter of the latched pieces, per claim 5.

8. Uchida teaches in Figure 2 a collet 9 with an outwardly extending flange 18A used as a locking device for a knife  $T_L$ . Uchida also teaches the knife  $T_L$  having a hollow portion 18, and Uchida teaches the narrow end portion of the bore of the protrusion 17 to have a smaller diameter 19A and 19B than an outer diameter of the latched pieces 18A. The outwardly extending flange 18A is used for the purpose of outwardly locking a shoulder between an enlarged portion 19A and 19B of the hollow protrusion of the knife  $T_L$  and a narrow end portion of the bore 18 thereof. Therefore it would have been obvious to one having ordinary skill in the art of tooling to modify the

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case of Kin with the locking technique of Uchida in order to create a device that can be used to lock machine tool knives having hollow ends on the handle instead of standard projection ends.

9. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kin. Kin discloses the invention substantially as claimed, except Kin discloses a plate 37 and seat 47 that are circular in shape. Kin does not disclose the plate and the seat to be substantially half circular. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the plate and seat substantially half circular, because Applicant has not disclosed that a substantially half circular plate and seat provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a circular plate and seat because this design would still provide flat surfaces for attachment to each other. Therefore, it would have been an obvious matter of design choice to modify Kin to obtain the invention as specified in claims 3 and 6.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kin (Japanese Patent 03092237 A), Pollington (U.S. Patent 6,245,003), and Susnjara (U.S. Patent 6,416,450) teach the use of locking devices with a plurality of legs having inwardly extended latch pieces. Hopkins (U.S. Patent

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6,494,822) teaches the use of a locking device with a plurality of legs having outwardly extended latch pieces.

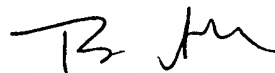
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is 571-272-5498. The examiner can normally be reached on Monday-Thursday 7:00-4:30 & alt Fridays 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric A. Gates  
Patent Examiner  
Art Unit 3722

EAG

  
BOYER D. ASHLEY  
PRIMARY EXAMINER